



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Max Donath

Appln. No.: 09/618,613

Filed : July 18, 2000

For : MOBILITY ASSIST DEVICE

Docket No.: U11.12-0137

Group Art Unit: 2673

Examiner: Leonid
Shapiro

2673
#13
LT
11-29-02

RESPONSE

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

NOV 29 2002

Technology Center 2800

I HEREBY CERTIFY THAT THIS PAPER IS BEING
SENT BY U.S. MAIL, FIRST CLASS, TO THE
ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231, THIS

18TH DAY OF NOVEMBER, 2002.


PATENT ATTORNEY

This is in response to the Office Action mailed on September 23, 2002 in which claims 1 and 16-21 were rejected. All pending claims are presented for reconsideration and allowance.

As a preliminary matter, Applicant requests that the Examiner acknowledge that the references cited in the Information Disclosure Statement filed September 9, 2002 have been considered. A copy of the Information Disclosure Statement is enclosed herein along with a copy of the stamped return postcard indicating receipt by the United States Patent and Trademark Office. Applicant requests consideration and entry of the cited references.

In Section 2 of the Office Action, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Wood et al. (U.S. Patent No. 5,231,379). Applicant respectfully disagrees with the Examiner's assessment of Wood et al.

Wood et al. discloses an automobile head up display in which information, such as vehicle speed, can be provided to an observer. Additionally, Wood et al. describe a display field of view (20) as an area of the windshield (14) through which the

driver views the display, and an operational field of view (44) as the normal region of space the driver (18) views the real world from the head centered position while operating the automobile (12) [column 5, lines 53-61; FIGS. 1-2], which "is positioned above and substantially non-overlapping of [the] display field of view 20." [column 5, lines 30-34] In fact, nowhere in Wood et al. is there any teaching or suggestion of having the display field of view cover an object or image, to which the display conforms or is aligned with. Accordingly, Woods et al. do not teach or suggest a display on a mobile body that is "a conformal, augmented display" as described in independent claim 1 of the present application and in the written description on page 29, lines 10-24. Applicant, therefore, believes that independent claim 1 is neither taught nor suggested by the cited reference, and requests that the rejection be withdrawn.

In Section 3 of the Office Action, the Examiner rejected claims 16-21 under 35 U.S.C. §103(a) as being unpatentable over Wood et al. in view of Lemelson et al. (U.S. Patent No. 6,226,389 B1). As discussed above, Applicant believes that independent claim 1 is patentable over Wood et al. Accordingly, Applicant believes that claims 16-21 are allowable since there is nothing in the cited references to teach or suggest the claimed combinations. Accordingly, Applicant requests that the rejections be withdrawn.

In view of the above comments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action is respectfully requested.

Should the Examiner believe that the amendments and remarks contained herein fail to resolve the issues presented by the Examiner, Applicant respectfully requests the opportunity to hold an interview with the Examiner in connection with this application. The Examiner is requested to contact the undersigned

attorney to conduct such an interview upon receipt of this amendment.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Brian D. Kaul, Reg. No. 41,885
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

BDK/djb



RECEIVED

NOV 20 2002

Technology Center 2400

Receipt is hereby acknowledged by the Assistant Commissioner of Patents and Trademarks of the following items the matter of:

Applicant : Max Donath et al.
Serial No./Patent No.: 09/618,613
Filed/Issued : July 18, 2000
Title/Mark : MOBILITY ASSIST DEVICE

1. Information Disclosure Statement
2. PTO Form 1449
3. Twenty (24) Cited References



Atty/Sec WDH/lah Date: 9-9-02 File No. U11.12-0137